



TFW 2164

Attorney Docket No.: 3660P064

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Jennifer Kellam, et al.

Application No.: 10/043,357

Filed: January 9, 2002

For: METHOD OF BIDDING TO DRIVE  
COMPETITION IN AN AUCTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner:

Art Unit: 2164

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

on December 8, 2005  
Christopher P. Marshall Date of Deposit  
Christopher P. Marshall Name of Person Mailing Correspondence  
Christopher P. Marshall Signature 12/8/2005 Date

CHANGE OF CORRESPONDENCE ADDRESS,  
POWER OF ATTORNEY, AND REVOCATION OF PREVIOUS POWERS

Please direct all future correspondence regarding the above-referenced patent application to Lester J. Vincent, Reg. No. 31,460, Blakely, Sokoloff, Taylor, & Zafman LLP, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025, and direct all telephone calls to the same at (408) 720-8300.

Ariba, Inc.

(Name of Assignee)

("assignee"), a company organized under the laws of Delaware, having a place of business at 807 11th Avenue, Sunnyvale, CA 94089, USA

(Address)

hereby states that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee. Upon information and belief, the following assignment documents evidence the placement of title in the assignee:

- (1) an assignment recorded at reel 012812 and frame 0558 at the U.S. Patent and Trademark Office; and

(2) an Agreement of Merger dated July 2, 2004 (a photocopy of which is attached hereto), a photocopy of which was mailed to the U.S. Patent and Trademark Office on August 23, 2005.

Pursuant to 37 C.F.R. §§ 1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the practitioners associated with **Customer Number 08791** as the assignee's respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest: Ariba, Inc.  
Dated: 11/14/05 By: [Signature] (Type or Print)  
Name: Landon Edmond  
(Type or Print)  
Title: Senior Counsel  
(Type or Print)  
Address of Assignee of Interest:  
807 11th Avenue  
Sunnyvale, CA 94089, USA

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 8, 2005 By: [Signature]  
Name: Lester J. Vincent  
(Type)  
Reg. No.: 31,460

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300



Recordation Form Cover Sheet  
**PATENTS ONLY**

Attorney Docket No.: 3660P064

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Freemarkets, Inc.**  
**(a Delaware Corporation)**

Additional name(s) of conveying party(ies) attached?

☒ No ☐ Yes

2. Name and address of receiving party(ies):

Name: **Ariba, Inc.**

**(a Delaware Corporation)**

Internal Address: \_\_\_\_\_

3. Nature of Conveyance

☐ Assignment

☒ Merger

☐ Security Agreement

☐ Change of Name

☐ Other:

Street Address: **807 11th Avenue,**

**Building 3, 2<sup>nd</sup> Floor**

City: **Sunnyvale** State/Province: **California** Zip: **94089**

Country: **U.S.A.**

Execution Date(s): **07.02.2004**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s): **10/043,357**

B. Patent No.(s): \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

**Lester J. Vincent, Reg. No. 31,460**

Name: **Blakely, Sokoloff, Taylor & Zafman LLP**

Internal Address: \_\_\_\_\_

Street Address: **12400 Wilshire Boulevard, 7<sup>th</sup> Floor**  
**Los Angeles, California 90025**

6. Total number of applications and patents involved: **1**

7. Total Fee (37 CFR 3.41).....\$ **40.00**

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit Account Number:

**02-2666**

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**Lester J. Vincent, Reg. No. 31,460**

Name of Person Signing

*[Signature]*  
Signature

**August 23, 2005**  
Date

Total number of pages including cover sheet, attachments, and documents: **5**

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

# Delaware

PAGE 1

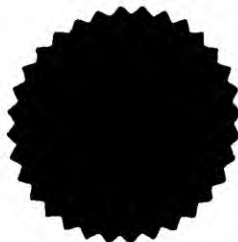
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"FREEMARKETS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "ARIBA, INC." UNDER THE NAME OF "ARIBA, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY OF JULY, A.D. 2004, AT 5:32 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE AND KENT COUNTY RECORDER OF DEEDS.



2663662 8100M

040492667

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3213201

DATE: 07-02-04

**CERTIFICATE OF MERGER**

**OF**

**FREEMARKETS, INC.**

**WITH AND INTO**

**ARIBA, INC.**

**PURSUANT TO SECTION 251(c) OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Ariba, Inc., a corporation duly organized and existing under and by virtue of the General Corporation Law of the State of Delaware ("Ariba"), does hereby certify:

**FIRST:** That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

<b>Name</b>	<b>State of Incorporation</b>
Ariba, Inc.	Delaware
FreeMarkets, Inc.	Delaware

**SECOND:** That the Agreement and Plan of Merger and Reorganization (the "Merger Agreement") dated as of January 23, 2004, by and among Ariba, Fleet Merger Corporation, a Delaware corporation and wholly owned subsidiary of Ariba ("Merger Sub") and FreeMarkets, Inc., a Delaware corporation ("FreeMarkets"), setting forth the terms and conditions for the merger of FreeMarkets with and into Ariba (the "Merger"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving Delaware corporation (the "Surviving Corporation") of the Merger shall be Ariba, Inc.

**FOURTH:** That the Certificate of Incorporation of Ariba as in effect immediately prior to the Merger shall be the Certificate of Incorporation of the Surviving Corporation

**FIFTH:** That the executed Merger Agreement is on file at the principal place of business of the Surviving Corporation located at 807 11<sup>th</sup> Avenue, Sunnyvale, California 94089.

**SIXTH:** That a copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation

SEVENTH: That the Merger shall become effective upon the filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

*[Remainder of page intentionally left blank]*

**IN WITNESS WHEREOF**, Ariba, Inc. has caused this Certificate of Merger to be executed in its corporate name on the 2<sup>nd</sup> day of July, 2004.

**ARIBA, INC.**

By: /s/ James W. Frankola  
James W. Frankola  
Executive Vice President and Chief  
Financial Officer

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known:

Application No. 10/043,357  
Filing Date January 9, 2002  
First Named Inventor Jennifer Kellam  
Examiner Name \_\_\_\_\_  
Art Unit 2164  
Attorney Docket No. 3660P064

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify)☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

- ☒ Charge fee(s) indicated below.  
☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.  
☐ Charge fee(s) indicated below except for the filing fee  
☒ Credit any overpayments.  
☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	1,000/500	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
SUBTOTAL (1) \$ <u>0.00</u>						



**2. EXCESS CLAIM FEES**

		<u>Extra Claims</u>	<u>Fee from</u> <u>below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b>	_____ - 20 or HP = _____		X _____	= _____
HP = highest number of total claims paid for, if greater than 20				
<b>Independent Claims</b>	_____ - 3 or HP = _____		X _____	= _____
HP = highest number of independent claims paid for, if greater than 3				
<b>Multiple Dependent Claims</b>			_____	= _____

<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description</u>
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ 0.00

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l</u> <u>50 or fraction thereof</u>	<u>Fee from</u> <u>below</u>	<u>Fees paid (\$)</u>
_____	- 100 = _____	/ 50 = _____ (round up to whole number)	X _____	_____

<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description: Application size fee for each additional group of 50 sheets</u> <u>beyond initial 100 sheets (count spec &amp; drawings except sequences &amp; program listings):</u>
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ 0.00

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

**Fees Paid (\$)**

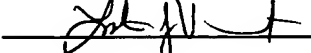
<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ 0.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Lester J. VincentSignature: Date: December 8, 2005Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450